

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

U.S.A. vs. Garrett Wayne Johnson

Docket No. 2:11-CR-10-1F

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Garrett Wayne Johnson, who, upon an earlier plea of guilty to 21 U.S.C. §§ 846 and 841(b)(1)(A): Conspiracy to Distribute and Possession With Intent to Distribute 50 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable J. Ronnie Greer, Senior U.S. District Judge for the Eastern District of Tennessee, on October 8, 2004, to the custody of the Bureau of Prisons for a term of 108 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 120 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate in a program of testing and treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as he is released from the program by the probation officer.

Garrett Wayne Johnson was released from custody on September 22, 2010, at which time the term of supervised release commenced. On March 10, 2011, a Transfer of Jurisdiction was filed in the Eastern District of North Carolina. On March 25, 2011, a Violation Report was filed advising of a Driving While License Revoked (10CR713996) charge in Durham County, North Carolina. Verbal and written reprimands were issued and the defendant was continued on supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 30, 2011, in Wake County, North Carolina, the defendant was charged with Driving While License Revoked and No Headlights With Wipers (11CR723257). Although the charges are still pending, the defendant has acknowledged his wrongdoing. In view of these new charges, a 90-day period of home detention is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

Garrett Wayne Johnson
Docket No. 2:11-CR-10-1F
Petition For Action
Page 2

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: April 8, 2011

ORDER OF COURT

Considered and ordered this 11th day of April, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge